

REMARKS

Reconsideration and allowance of this application, as amended, is respectfully requested.

This amendment is in response to the Office Action dated August 10, 2007. By the present amendment, the specification has been amended to address the objection raised in paragraph 3 of the Office Action. Therefore, removal of this objection is respectfully requested. Also, claims 9 and 25 have been amended to respond to the objection set forth in paragraph 4 of the Office Action. Therefore, removal of this objection is also respectfully requested. Finally, each of the independent claims 1 and 20 have been amended to clarify the invention, as will be discussed below.

Reconsideration and removal of the rejection of the independent claims 1 and 20, and their respective dependent claims, over the combination of Akiyama (US 2003/0033492) in combination with the Atwood article is respectfully requested. By the present Amendment, each of the independent claims 1 and 20 has been amended to incorporate the subject matter of claim 5. This subject matter specifically defines that, when data is written back to one of the plurality of memory banks, and a first memory bank included in the plurality of memory banks cannot accept an access from the outside, the data is written back to a second memory bank included in the plurality of memory banks. This feature permits writing back of data even in a situation where a first memory bank is unable to be accessed from outside. It is respectfully submitted that the primary reference to Akiyama completely lacks this feature, and nothing in the secondary reference to Atwood makes up for the shortcoming.

More specifically, in the Office Action, reference is made on page 9 to paragraph [0058] as meeting the limitations set forth in claim 5. However, it is respectfully submitted that a careful examination of paragraph [0058] of Akiyama fails to teach or suggest this claimed feature of writing back data to a second memory bank when a first memory bank cannot be accessed from the outside. More specifically, paragraph [0058] of Akiyama is directed to not writing back to an invalid sub-line DATA3. In particular, paragraph [0058] of Akiyama teaches:

“The cache controller CACHECTL then drives the cache write enable signal CWE high to write the data “e” received from external in the sub-line DATA 3 of the entry. At this time, the sub-lines of this entry 1 include dirty-bit-set data N, O, and P. Those data items must thus be written back in the bank 4. At this time, the data of the sub-line DATA 3 cannot be written back.”

As such, there is nothing in this teaching of Akiyama which meets the limitation of writing back to a second memory bank when a first memory bank cannot accept an access from the outside. On the contrary, Akiyama is concerned with invalid sub-lines, not with memory banks that cannot be accessed from the outside. Further, nothing in the secondary reference to Atwood teaches anything to make up for this shortcoming in the primary Akiyama reference. Therefore, reconsideration and allowance of the amended independent claims 1 and 20, and their respective dependent claims, is earnestly solicited.

Reconsideration and removal of the obviousness type double patenting rejection against claim 20 based on claim 1 of USP 6,848,035 in view of Oishi (US 2004/0027857) is also respectfully requested. By the present amendment, claim 20 has been amended to incorporate the subject matter of claim 5, which has not been rejected under obviousness type double patenting. Therefore, it is respectfully submitted that the amended subject matter of claim 20 is not longer subject to this obviousness type double patenting rejection, and, accordingly, its removal is

earnestly solicited. It is noted that this Amendment does not admit the unpatentability of the original claim 20 as being obvious over the cited prior art, but is simply done to expedite the allowance of the application.

If the Examiner believes that there are any other points which may be clarified or otherwise disposed of either by telephone discussion or by personal interview, the Examiner is invited to contact Applicants' undersigned attorney at the number indicated below.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Antonelli, Terry, Stout & Kraus, LLP Deposit Account No. 01-2135 (Docket No. 500.43581X00), and please credit any excess fees to such deposit account.

Respectfully submitted,
ANTONELLI, TERRY, STOUT & KRAUS, LLP

/Gregory E. Montone/
Gregory E. Montone
Registration No. 28,141

GEM/ks
(703) 312-6600